

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION

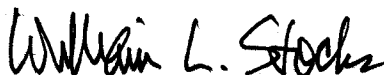
IN RE: )  
 )  
Maurice Dale Swiggett, )  
 ) Case No. 12-81015C-11D  
Debtor. )  
 )

MEMORANDUM OPINION

This case came before the court on November 1, 2012, for hearing on a motion (Docket #91) filed by Renee Warren ("Movant"). In the motion, the Movant asserts that she is a creditor of the Debtor and seeks to join in a notice of appeal filed by the Debtor on October 5, 2012, in which the Debtor purported to appeal from an order entered on September 10, 2012, dismissing this case. Having carefully considered the motion and the arguments made in support of the motion, the court has concluded that the motion should be denied. The Movant is not entitled to join in a notice of appeal that was filed 20 days earlier by another party. Even if such a joinder were permissible, such a joinder in this case would be fruitless. The appeal filed by the Debtor was not timely filed and has been dismissed. If the Movant joined in the appeal as she contends, her appeal would have been dismissed at the same time. To the extent that any other relief is sought in the motion, such as conversion of this case to chapter 12, this case was dismissed on September 10, 2012, and there is no legal or factual basis for relief of any kind under the motion. Accordingly, an order shall be entered contemporaneously with the filing of this memorandum

opinion overruling the motion and denying any relief pursuant to the motion.

This 2nd day of November, 2012.

A handwritten signature in black ink, reading "William L. Stocks". The signature is written in a cursive style with a horizontal line underneath it.

WILLIAM L. STOCKS  
United States Bankruptcy Judge

**Parties to be served**

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